

United States Court of Appeals
For the Eighth Circuit

No. 12-1636

Eugene E. Makupa

Petitioner

v.

Eric H. Holder, Jr., Attorney General of the United States

Respondent

Petition for Review of an Order of the
Board of Immigration Appeals

Submitted: December 5, 2012

Filed: December 10, 2012

[Unpublished]

Before MURPHY, ARNOLD, and SMITH, Circuit Judges.

PER CURIAM.

Eugene Makupa, a native and citizen of Tanzania, petitions for review of an order of the Board of Immigration Appeals, which upheld an immigration judge's decision denying his request for a continuance of his removal proceedings and finding him subject to removal. Makupa asserts that the immigration judge should have granted him the requested continuance. After careful review, we conclude that

it was not an abuse of discretion for the immigration judge to deny Makupa the continuance, given that the removal proceedings had already been continued multiple times over a period of more than five years during the pendency of I-130 petitions filed on his behalf. See *Thimran v. Holder*, 599 F.3d 841, 845 (8th Cir. 2010) (IJ did not abuse discretion in denying alien’s request for continuance after second I-130 petition was denied and case had been continued for over two years). Accordingly, we deny the petition for review.¹ See 8th Cir. R. 47B.

¹We do not consider new evidence that Makupa has presented in this court. See *Lukowski v. INS*, 279 F.3d 644, 646 (8th Cir. 2002) (“judicial review is limited to the administrative record”).